



# CITY OF EAGLE POINT

*"Gateway to the Lakes"*

OREGON

EAGLE POINT CITY COUNCIL  
17 BUCHANAN AVE. SOUTH, EAGLE POINT, OREGON

**AUGUST 14, 2012**

## **REGULAR MEETING MINUTES**

### 1. CALL TO ORDER – 7:00 P.M.

Mayor Russell called the meeting to order at 7:00 p.m.

Council Members Present: Bob Russell, Alan Curriston, Jonathan Bilden, Wayne Brown, Bill Fierke, Ruth Jenks, and Kathy Sell.

Staff Members Present: Henry Lawrence, City Administrator; Joe Kellerman, City Attorney; Melissa Owens, Finance Officer; Darin May, Police Department; Robert Miller, Public Works Director; Mike Upston, Principal Planner; and Cindy Hughes, City Recorder.

Guests: Dick Converse with Rogue Valley Council of Governments; Kelly Madding, Jackson County Development Services Director; Mayor Hank Williams of Central Point; Greg Holmes of 1000 friends of Oregon; Aaron Prunty, Eagle Point Parks and Recreation Commissioner; and Members of the Public and Press.

### 2. FLAG SALUTE AND INVOCATION.

Mayor Russell led the Pledge of Allegiance. Council President Curriston led the invocation.

### 3. AUDIENCE QUESTIONS OR COMMENTS CONCERNING ITEMS NOT ON THE AGENDA.

There were no comments to report.

### 4. PRESENTATIONS.

4.1 Presentation by Civil West of Final Closeout Memorandum on 3.6MG Tank.

Mayor Russell welcomed Garrett Pallo of Civil West Engineering Services, Inc. (Civil West) and took the opportunity to acknowledge Mr. Pallo's son who received a youth award at the Mayor's Conference.

Mr. Pallo made a PowerPoint Presentation (Submission No. 1) and summarized the history of the project and concluded with a recommendation to continue monitoring the tank, coating the exterior of the tank, and creating a new Water Master Plan. The following topics were discussed:

- Initial leak of 50,000 gallons per day.
- Crack repairs to reduce the leak to 25,000 gallons per day.
- The seeding project which reduced the leak to about 2,500 per day.
- Non-functional electronic emergency valves (options ranged from doing nothing, to replacing with a method to remove water from vaults estimated at about \$30,000, or installing sump pumps to allow staff to access for maintenance in the future). Civil West's recommendation was to, at a minimum, install sump pumps.
- Painting or coating interior of tank which would cost approximately \$100,000 and require recoating at a later date, was not recommended.
- Exterior painting was recommended within the next year or so, at an estimated cost of approximately \$65,000 (Civil West would provide specifications).
- Review of letters of recommendations from sub-consultants.
- Recommendation of Civil West to monitor the tank for leakage and movement, and survey next spring for movement.
- Under budget by approximately \$47,000.
- General water system issues related to pressure and pump station operation due to tank being taken off-line.
- Recommendation to create a new Water Master Plan to cover a 20-year planning period, 2013-2033, to meet the needs of the City and State requirements.

Councilor Fierke stated the project went well and suggested Civil West come back in the next six months to a year to make a final recommendation. Henry Lawrence, City Administrator, commended the work of Civil West. With concurrence from the Council, the City will bring a proposal from Civil West to create a new Water Master Plan at next meeting and their Contract will be amended to include the work.

## 5. PUBLIC HEARINGS.

- 5.1 **Ordinance 2012-02.** Public Hearing in the matter of amending the Eagle Point Comprehensive Plan to add a Regional Plan Element; amending the Comprehensive Plan Map to designate the Urban Reserve Areas; amending the Zoning Ordinance by adding Article XV-Agricultural Buffering & Mitigation; updating the Zoning Ordinance Table of Contents to include the new Article XV; and authorizing the City Administrator to sign an Urban Reserve Management Agreement between Jackson County and the City.

Mayor Russell explained that one public hearing had been advertised for the meeting, and it was legislative in nature. All legal notifications and advertisements were made in compliance with state and local laws. He further explained that in addition to a presentation from Staff about the details of the proposal, all persons interested in offering testimony would be allowed to speak.

At 7:22 p.m., Mayor Russell opened the public hearing to accept testimony on Ordinance 2012-03, amending the Eagle Point Comprehensive Plan to add a Regional Plan Element; amending the Comprehensive Plan Map to designate the Urban Reserve Areas; amending the Zoning Ordinance by adding Article XV-Agricultural Buffering & Mitigation; updating the Zoning Ordinance Table of Contents to include the new Article XV; and authorizing the City Administrator to sign an Urban Reserve Management Agreement between Jackson County and the City.

Mayor Russell noted the applicant was the City of Eagle Point. There were no issues of “Exparte contact” because it is expected that the approval bodies will speak with members of the community to receive their opinions on the proposed legislation. Further, no Council members declared a conflict of interest, either actual or potential, or made any disclosure, or abstained from participating or voting on this matter. Mayor Russell explained the general process of how the public hearing would be held and when people would be permitted to speak.

Mike Upston, Principal Planner, introduced Dick Converse with the Rogue Valley Council of Governments. Mr. Upston referenced the following three documents which were part of the agenda packet, with the focus on approval of the Ordinance:

- 1) Agenda Statement;
- 2) Ordinance; and
- 3) Urban Reserve Management Agreement.

Next, Mr. Upston presented an overhead slide presentation entitled “Adoption of a Regional Plan Element and Agricultural Buffering & Mitigation Standards” (Submission No. 2). As part of the slide presentation, Mr. Upston reviewed the history of the Regional Problem Solving (RPS) process from 1992 up to today’s date, and included a historical timeline in the overhead presentation. He then explained the current process of all six participating cities adopting the same proposal to add a Regional Plan Element and identify Urban Reserve Areas.

Mr. Upston clarified that identifying Urban Reserve Areas will reserve those areas as candidate lands for potential expansion. It did not mean Eagle Point’s Urban Growth Boundary or city limits would be expanded right away, nor did it identify where or when the City would expand. However, identifying the Urban Reserve Areas would meet the requirements of the State for identifying reserve lands for future population growth. It was further noted that all vacant, developable land within the City has to be developed before development can occur in the Urban

Reserve Areas. Mr. Upston concluded by discussing the benefits of conceptual planning and reviewing the Planning Commission's recommendation which was essentially to adopt the Ordinance.

Dick Converse of the Rogue Valley Council of Governments reviewed the Background information from the Agenda Statement, included in the agenda packet. Mr. Converse discussed the proposed density levels of 6.5 units per acre through the year 2035, and 7.5 units per acre thereafter. He explained these levels could be offset by greater density levels inside the present city limits. He further noted the density level of 7.5 units per acre was lower than the State's "safe harbor" requirement for expanding urban growth boundaries. Outside of the Regional Problem Solving program, density levels would increase to 8.1 units per acre after 20 years.

Mr. Converse further noted that on the Agenda Statement, Page 5, (18), the second sentence should be revised as follows with the new language regarding UGB (Urban Growth Boundary) identified by the bold font:

The purpose of the task force is to develop a program to assess the impacts on the agricultural economy from future UGB amendments and to recommend potential mitigation measures **including financing strategies** to be applied to UGB amendment proposals.

Regarding the Housing Element (Page 7 of the Agenda Statement), Mr. Converse emphasized long range planning is critical as 17,000 new residents are anticipated in Eagle Point by the year 2060. Additionally, he noted that the Economic Element (Page 8 of the Agenda Statement) stipulates that all of the area identified in EP-1a, will be limited to light industrial use as specified by the Oregon Department of Transportation. Mr. Converse concluded his review of the Agenda Statement and opened for questions. There were no questions about his presentation at that time.

Councilor Fierke confirmed with the Mayor that it was the appropriate time to ask questions. Councilor Fierke then asked Mr. Upston about a Resolution that was referenced during his presentation. Mr. Upston confirmed Resolution No. 2005-14 was reviewed in the presentation and included a livability statement. Councilor Fierke pointed out direct quotes from the Resolution regarding lower densities and language about preserving small town, historic character. Councilor Fierke also inquired about Page 2 of 21 of the Regional Plan Element, more specifically about Goal 1, and asked whether the City of Eagle Point defined "the greater public good" or if it was an outside agency. Councilor Fierke further inquired about Goals 2 and 3. Mr. Upston reported these goals had been pulled from the Greater Bear Creek Valley Regional Plan and could be used as the City deemed appropriate. Additionally, on Page 16 of the Regional Plan Element, Item 9 – Incentives, Councilor Fierke commented that the word "may" was not a good choice. Mr. Upston responded that in a policy document, the words "may" or "should" can be used instead of "shall" to provide flexibility in interpretation. Councilor Fierke

asked if we believed the public had looked at the document and understood it, and more specifically whether more than two people other than the Council had looked at it. Mr. Upston responded that it would be hard to know and he believed that is why we have representatives to make the right decisions for the community.

Councilor Jenks asked about the white areas on the Urban Reserve Map. More specifically, if by adopting the Ordinance do we agree with the designations and if not, what would be the process for changing the designations. Mr. Upston responded that a process had been completed to identify those areas but he was not certain of the details to change designations. Mr. Converse added that the County had adopted the designations, based at least in part, on Eagle Point's recommendations.

Councilor Sell inquired about Section 15 – Mitigation – regarding agricultural buffering, on Exhibit C to the Ordinance, and noted the Council had not seen a document referenced in that section. Mr. Upston explained it was drafted from a template and should be revised. Additionally, Councilor Sell identified another area that needed to be completed and expressed concern about whether the document was ready for approval. Mayor Russell said the revisions should be made.

Councilor Fierke commented that Resolution No. 2011-48, rejecting density levels of 7.5 units per acre, was not included in the historical timeline. He also asked about amending the agreement. Mr. Converse responded that any revisions would need to be consistent with what the County had adopted.

Councilor Jenks discussed the purpose of the Council Options outlined in the Agenda Statement.

There being no further questions, Mayor Russell, invited audience members to provide testimony in favor of the proposal.

Hank Williams, Mayor of Central Point, reported he had been on the RPS Policy Committee, involved in the process for 10 years and spent a considerable amount of time working on the process. Central Point already approved the process by unanimous vote of those in attendance. Central Point, like Eagle Point, started with a large Urban Reserve Area that ended up being about half of what they started with. Mayor Williams stated it was not a perfect plan but better than what they had before and it will allow for future growth and jobs. In conclusion, although he did not agree with the buffering standards, he did not strongly oppose the density levels and encouraged approval.

Greg Holmes with 1000 friends of Oregon came forward and provided a brief background about his organization. Mr. Holmes has been involved in Regional Problem Solving for the last 10 years and previously submitted a letter which was included in the Agenda Packet. He further noted this was a significant and unique project which allowed for solutions that did not have to comply with the Oregon

Administrative Rules (OARs). Mr. Holmes discussed the benefits of long range planning under the plan. He also discussed areas to expand, density levels, Safe Harbor, and changes that will occur over the next 50 years. Over the years, they had been critics of the plan but by and large, agreed it is better than going forward without the plan. Mr. Holmes concluded by respectfully requesting adoption and opened for questions.

Kelly Madding, Jackson County Development Services Director, reported serving on the RPS Policy Committee. Ms. Madding addressed Councilor Fierke's previous question about how the "greater good" was defined in Goal 1 and reported all of the participating cities had joined together to develop the plan. Further, the plan was well thought out and developed over numerous years with many studies conducted. In Ms. Madding's opinion, given state law, all cities desires were met as well as could have been done and she recommended adoption.

Councilor Fierke expressed concern about the density levels being that of a larger metropolitan level and Mr. Converse assured him that the levels were not comparable to that of Portland. Although Medford is the largest community in RPS, Ms. Madding stated that Eagle Point is most comparable to that of the other participating cities. RPS allows for a variation and flexibility of density levels throughout the city, however, density levels should not be higher in the outer areas of the city than the inner area.

With regard to density levels, Councilor Curriston added that 25% over the current level of 5.2 units per acre would be 6.5 units per acre. Councilor Jenks expressed her surprise with the density level of 5.2 units per acre. Mr. Upston continued to discuss density levels noting the current and future housing market would demand higher density levels.

Councilor Bilden asked for the current density levels of other participating cities and Mr. Converse responded as follows:

Medford .....	5.2
Ashland .....	5.28
Central Point.....	5.5
Talent .....	5.65
Phoenix .....	6.0

There were no further questions or additional comments.

Mayor Russell invited members of the audience in opposition to provide public testimony. There was no additional public testimony and Mayor Russell closed the Public Hearing at 8:45 p.m.

Mayor Russell asked if there were objections to changing the order of business so that deliberations could be held on the Ordinance. There were no objections and deliberations ensued.

The Council discussed the Ordinance and density levels at length. In addition to discussing density levels, the Council also discussed:

- Length of process and hard work involved.
- Maintaining Eagle Point's livability and character.
- Completion of revisions to Ordinance and agreement.
- Establishing parameters for growth and flexibility.
- Growth of Eagle Point at the Golf Course.
- Attracting residents and businesses to Eagle Point.
- Eagle Point as part of the Upper Rogue community.
- Economy and housing market.

Mayor Russell offered to entertain a motion. Councilor Jenks made a motion to have a workshop to review the suitable lands by priority information, however, the motion was not seconded. Council President Curriston made a motion to pass **Ordinance 2012-02** in the matter of amending the Eagle Point Comprehensive Plan to add a Regional Plan Element; amending the Comprehensive Plan Map to designate the Urban Reserve Areas; amending the Zoning Ordinance by adding Article XV-Agricultural Buffering & Mitigation; updating the Zoning Ordinance Table of Contents to include the new Article XV; and authorizing the City Administrator to sign an Urban Reserve Management Agreement between Jackson County and the City, including financial strategies. The motion was not seconded.

Council President Curriston made a plea in favor of the Ordinance. The Council discussed further and Mr. Upston agreed to make edits for future review. It was noted that one blank could not be filled in until after the State completes their part of the process.

Councilor Sell moved to table **Ordinance 2012-02** until a document could be more complete with all of the blanks filled in for the Council to consider. With Councilor Sell's permission, Mr. Lawrence suggested amending the Motion to continue to the next meeting on the 28<sup>th</sup> versus tabling. Councilor Sell agreed to amend the motion as suggested and Councilor Bilden seconded the amended motion. There was no further discussion. Roll call: Alan Curriston, nay; Ruth Jenks, aye; Kathy Sell, aye; Bill Fierke, aye; Jonathan Bilden, aye; Wayne Brown, aye; and Bob Russell, aye. The motion passed with a vote of six ayes and one nay.

At 9:23 p.m., Mayor Russell called for a short recess. At 9:30 p.m., Mayor Russell reconvened the meeting.

6. CONSENT CALENDAR.

6.1 Presentation of Regular Meeting Minutes of July 24, 2012.

Mayor Russell announced the Consent Calendar and asked for a motion. Councilor Bilden moved to approve the Consent Calendar as presented and Councilor Fierke seconded the motion. There was no further discussion. Roll call: Ruth Jenks, aye; Alan Curriston, aye; Jonathan Bilden, aye; Wayne Brown, aye; Kathy Sell, aye; Bill Fierke, aye; and Bob Russell, aye. The motion passed unanimously.

7. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR.

8. PRESENTATION OF BILLS TO BE PAID.

Mayor Russell invited Ms. Owens to comment on the Additional Bills List (Submission No. 3). Ms. Owens reported the payment to HGC, Inc., was the final payment.

There were no further questions or comments and Mayor Russell asked for a motion. Councilor Jenks moved that Council approve the bills as presented including the Additional Bills list. Councilor Bilden seconded the motion. There was no further discussion. Roll call: Kathy Sell, aye; Bill Fierke, aye; Jonathan Bilden, aye; Alan Curriston, aye; Ruth Jenks, aye; Wayne Brown, aye; and Bob Russell, aye. The motion passed unanimously.

9. OLD BUSINESS.

9.1 Discussion and decision regarding process for Performance Review for City Administrator.

Mayor Russell invited Councilor Fierke to report on Item 9.1. Councilor Fierke reported working with Councilors Sell and Jenks, together with Ms. Owens. The evaluation process requires the City Administrator to provide goals and rate performance. In future years, the new goals would be set in conjunction with the Council and include self-evaluation. Some input from other staff members would be considered. A two person subcommittee was suggested to receive staff input and they would report in Executive Session. Also, a four scale rating standard was chosen to be used on the evaluation form. In conclusion, the Council made positive comments and Mr. Lawrence was accepting of the evaluation form. With no objections, Mayor Russell agreed to select a two person subcommittee within the next week or so.

10. NEW BUSINESS.

10.1 **Ordinance 2012-02.** In the matter of amending the Eagle Point Comprehensive Plan to add a Regional Plan Element; amending the Comprehensive Plan Map to



designate the Urban Reserve Areas; amending the Zoning Ordinance by adding Article XV-Agricultural Buffering & Mitigation; updating the Zoning Ordinance Table of Contents to include the new Article XV; and authorizing the City Administrator to sign an Urban Reserve Management Agreement between Jackson County and the City.

Item 10.1 was discussed under Item 5.1, and deliberations were continued to August 28, 2012.

#### 10.2 Discussion regarding community day of service.

Robert Miller discussed and suggested the creek path and Little Butte Park as projects. Mayor Russell requested Mr. Miller to check with the LDS Church about a date. It was also mentioned that, if possible, it would be good to make progress on the Harnish Wayside Park & Interpretive Center before the September 15<sup>th</sup> Little Butte Creek Watershed Festival.

### 11. REPORTS FROM CITY COUNCIL AND CITY COMMITTEE REPRESENTATIVES.

Councilor Fierke reported there had been a School Board Meeting, however, he did not attend the meeting. One of the issues of the meeting was the discharge of an employee which the Board agreed to. The other discussion item was about State education changes. Councilor Fierke also reported on the recent visit by the Showa, Japan, exchange student program.

Councilor Bilden reported attending a recent League of Oregon Cities meeting where legislative goals were prioritized. During the SOREDI Board meeting last week, they were in the final steps of identifying their mission statement and continue to work toward recruiting businesses to this area.

Councilor Jenks commended Chief Thompson for National Night Out and the great atmosphere. She also extended her appreciation to the City Staff for their participation.

Council President Currison reported that the Economic Development Commission had looked at ways to bring businesses to Eagle Point and made a statement about livability. There was no further report.

Councilor Brown did not provide a report.

Councilor Sell reported the Parks and Recreation Commission had met twice, without a quorum. They've had great meetings with a lot of good public input. However, without a quorum, the Commission is at a standstill.

Mayor Russell reported attending the Oregon Mayor's Conference. A full day was dedicated to discussing after school programs and he came away with a lot of ideas. In addition, he met with state agency directors and received government ethics training during

the Conference. Mayor Russell agreed it was an enjoyable visit with the people of Showa and hopes to get Superintendent Rickert's support in helping local students to visit Showa. Additionally, he met with the State Historic Preservation Office about getting the covered bridge placed back on the National Register and commended Mike Upston for his work on that. Mayor Russell concluded by reporting on the Library Foundation's fundraiser and announced the Main Street Dance on Saturday, August 18<sup>th</sup>.

## 12. STAFF REPORTS.

Mr. Upston stated his focus had been on RPS and did not make an additional report.

Ms. Owens reminded everyone about attending the dance. Further, she requested a Councilor to volunteer for the Council Corner and Councilor Brown volunteered. Recent work on the website included updating Planning Commission information and a Notify Me button. The third newsletter went out in the utility bill and the 4<sup>th</sup> newsletter is in the works. The newsletter is on the website as well as included in electronic billings. Ms. Owens concluded by mentioning she is still in the process of closing out the fiscal year.

Mr. Miller reported on after school activities and support from other agencies. A highlight of his report was about the most recent MPO (Metropolitan Planning Organization) meeting, where they agreed to provide approximately \$80,000 to \$90,000 to the City if a project was proposed. Mr. Miller proposed pavement maintenance rehab and would bring that back to the Council. He also reported meeting with Jackson County about Royal Avenue and they agreed to work together and try to obtain grants. Mr. Miller explained that city standards for roads are higher than county road standards and the County is no longer making jurisdictional exchanges. Lastly, Public Works met as part of the Water Conservation Technical Advisory Committee to discuss the selection of a consultant for the water conservation and management plan.

Attorney Kellerman and Mr. Lawrence did not make a report.

Ms. Hughes mentioned a letter from the Oregon Water Resources Department (Submission No. 4) regarding the Harrington case. She also noted the State's contact information and suggested any calls should be referred to that agency.

## 13. INFORMATION.

- 13.1 Letter from Jackson County Commissioner Don Skundrick.
- 13.2 Letter from Mayor Tsutsumi of Showa Village, Japan.
- 13.3 Eagle Point's Utility Bill Newsletter dated July 31, 2012.
- 13.4 Flyer for Eagle Point's 2<sup>nd</sup> Annual Street Dance, August 18, 2012.
- 13.5 Flyer for Little Butte Creek Watershed Festival, September 15, 2012.

There was no additional discussion regarding the Information Items.

At 10:02 p.m., Mayor Russell recessed the meeting for a short break prior to the Executive Session. He also stated there would not be additional regular business after the Executive Session.

14. EXECUTIVE SESSION PURSUANT TO ORS 192.660(2)(e), To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

At 10:08 p.m., Mayor Russell reconvened the meeting and opened the Executive Session pursuant to ORS 192.660(2)(e). He reminded the media representatives they are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the Session as previously announced. Following discussion, Mayor Russell closed the Executive Session at 10:18 p.m.

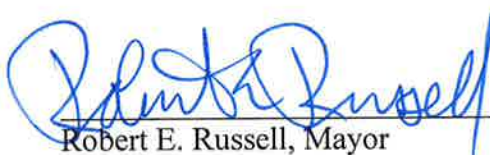
15. ADJOURN.

There being no further business, Mayor Russell closed the meeting at 10:19 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Cindy Hughes, City Recorder

ATTEST:

  
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Robert E. Russell, Mayor